IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 1994 OF 2007

Office Notes, Office Memorandum of Coram appearances, Court's orders or directions and Registrar's orders :	: : : :	Court's or Judge's orders

Mr. Anil N. Bugde,
advocate, for petitioner.

Mr. V. B. Konde Deshmukh,
APP for respondent.

CORAM : R.M.S. KHANDEPARKAR
AND
Mrs. V.K. TAHILRAMANI, JJ.

DATE : NOVEMBER 1, 2007.

P.C.

. Heard. The petitioners hav challenged FIR in C. R. No. 8 of 2007 of I.P.C., dated 23rd January, 2007, lodged at Junnar Police Station, Pune (Rural).

2. The perusal of the impugned FIR apparently discloses that the Govt. Officers and employees of irrigation department were obstructructed in performing their duties under the threat and also faced physical obstruction. The FIR also discloses that the

concerned officers and the Govt. employees were carrying out the work of taking measurements in relation to the irrigation project in the concerned locality and the same work was sought to be obstructed, as stated above by the petitioners. This apparently discloses the commission of offence punishable under Ss. 353, 143 and 506 of I.P.C., as contended on behalf of the respondent. It is settled law that while dealing with the challenge to FIR, the Court will have to ascertain whether FIR sought to be challanged prima-facie discloses cognizable offence, and if so, then the courts have to refrain from interfering in the matter and shall allow police machinary to investigate into the matter. As already observed, since FIR prima faice discloses the cognizable offence committed by the petitioners, question of interfrence in the said FIR doesn't arise. That apart, the learned APP also states that investigation was completed and consequent thereto the charge sheet was also filed on 17th March 2007. Obviously therefore, the petitioners have efficacious alternative remedy. Besides that, there is no explanation

for the delay in approaching the Court. Hence, for the reasons stated above, we do not find any case being made out for intereference in writ jurisdiction. The petition, therefore fails and is rejected.

Sd/-
[R.M.S. KHANDEPARKAR, J.]

Sd/-
[Smt. V. K. TAHILRAMANI,J.]